

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA (JACKSONVILLE)**

IN RE:
MARK ALBERT ARCURI,

Case No.: 3:18-bk-02593-JAF
Chapter 13

Debtor. _____ /

OBJECTION BY CREDITOR TO CONFIRMATION OF PLAN

COMES NOW Secured Creditor, Ditech Financial LLC, by and through its undersigned counsel, and files this written objection to confirmation of Debtor's Proposed Chapter 13 Plan, pursuant to Bankruptcy Rules §3015(f), §9014 and all other applicable provisions of the Bankruptcy Code and as grounds therefor states:

1. On September 10, 2005, Debtor, along with Non-Filing Co-Debtor Melissa M Arcuri, executed and delivered a Note ("Note") and a Mortgage ("Mortgage") securing payment of the Note in the amount of \$234,016.00 to Bank of America, N.A. The Mortgage was recorded on September 23, 2005 in Book 1915 Page 760 of the Public Records of Citrus County, Florida. An Assignment of Mortgage from Bank of America, N.A. to Secured Creditor was recorded on January 14, 2013 in Book 2526 Page 1551 of the Public Records of Citrus County, Florida. Secured Creditor is currently mortgagee of record regarding the Note and Mortgage as to the real property located at 2748 Fox Ct., Inverness, FL 34452, the ("Subject Property") legally described as:

LOT 26, DEERWOOD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGES 30 AND 31, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FL., LESS AND EXCEPT THE WEST 149.00 FEET THEREOF.

2. The amount Secured Creditor's claim as of the date of filing will be set forth in the Secured Creditor's Proof of Claim to be filed on or before the Claims Bar Date, October 4, 2018.

3. The Plan fails to include the pre-petition arrearage amount. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due to Secured Creditor is \$14,758.35. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§1322(b)(3) and 1325(a)(5) and cannot be confirmed.
4. The Plan contains an incorrect monthly payment amount of \$54.00. The correct current monthly payment amount is \$904.87. This payment amount includes principal, interest, and escrow. The monthly payment amount is subject to change with changes in the interest rate and/or escrow, and the Plan must be modified to allow for changes in the monthly payment to be made by the Trustee upon notice from the Secured Creditor that said interest rate and/or escrow has changed and therefore the monthly payment has changed.
5. The Chapter 13 Plan does not comply with 11 U.S.C. §1325 and 11 U.S.C. §1322 as the Plan fails to cure the pre-petition default and is not accepted by the Secured Creditor.

WHEREFORE, Secured Creditor respectfully requests that this Court sustain the objections stated herein and deny confirmation of the Debtor's Plan, and for such other and further relief as this Court deems just and proper.

DATED this 29th day of August 2018

Respectfully submitted,

/S/ Seth Greenhill

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the parties on the attached Service List by electronic notice and/or by First Class U.S. Mail on this 29th day of August, 2018:

/S/ Seth Greenhill

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SERVICE LIST (CASE NO. 3:18-bk-02593-JAF)

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